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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,264	09/06/2000	Richard Mark Schwartz	99-469	9095

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/656,264	Applicant(s) SCHWARTZ ET AL.	
	Examiner Michael N. Opsasnick	Art Unit 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 31-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30, 53 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/6/00</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 31-52 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8/20/2004. Applicants arguments with respect to the restriction requirement have been considered, however, examiner points to that fact that claims 31-51 expand upon the structure of grammars used, and hence requires a different classification, and is further burden on the examiner to search detailed structures of the grammars.

Therefore, the restriction requirement issued on 6/22/2004 is final.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2655

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-30,53, and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Gupta (6122361).

As per claims 1,17,29,30,53, and 54, Gupta (6122361) teaches an automated directory assistance system (abstract) comprising:

“a speech recognition module.....audible request” as generating scripts from input speech (col. 6 lines 35-50);

“a listing retrieval module.....transcript” as generating a list → fig. 3, subblocks 404-406;

“an accept/reject module.....caller” as reworking the list (Fig. 3, subblock 416) and selecting the top 3 candidates (Fig. 3, subblock 418).

As per claim 2, Gupta (6122361) teaches a large speech recognizer (col. 8 lines 11-15);

As per claims 3,10,18,19,26, Gupta (6122361) teaches using acoustics and grammar models (col. 2 lines 28-32).

As per claims 4,11,25, Gupta (6122361) teaches the use of probability statistics (col. 2 lines 28-32).

As per claims 5,21, Gupta (6122361) teaches the use of the transcript as a query to retrieve a listing (Fig. 3, dotted arrow off of 402) coming from the utterance (Fig. 3, subblock 400).

As per claims 6,22, Gupta (6122361) teaches reordering and ranking (Fig. 3, subblock 416).

As per claims 7,12,23,27, Gupta (6122361) teaches acceptance/rejection based on a recognized word from the listing (fig. 2).

As per claims 8,24,28, Gupta (6122361) teaches transference to a human operator upon rejection (col. 8 line 65 – col. 9 line 3).

As per claim 9, Gupta (6122361) teaches a training system to configure the recognition modules as using orthographies that are configured/trained by certain utterances based on geography (col. 2 line 6-25) or as a first pass search (col. 2 lines 45-50, and col. 12 lines 38-44).

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As per claim 13, Gupta (6122361) teaches generating transcripts based upon a priori probabilities and histograms (Fig. 3, subblocks 408,412).

As per claim 14, Gupta (6122361) teaches creating loose grammars and training the transcript according to the grammar (col. 2, lines 28-32)

As per claim 15, Gupta (6122361) teaches acceptance/rejection based upon recognition (fig. 2).

As per claim 16, Gupta (6122361) teaches a verification/correction module to a human for verification (col. 8 line 60 - col. 9 line 3).

As per claim 20, Gupta (6122361) teaches identifying words and telephone numbers (col. 10 lines 1-11).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Art Unit: 2655

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
12/4/04


VIJAY CHAWAN
PRIMARY EXAMINER